

**St. Louis County**

License Fee	Enforcement	Timeline
<p>a. One hundred twenty-five dollars (\$125.00) for each retail establishment where tobacco products are sold other than by vending machine. A separate license shall be required for each such retail establishment;</p> <p>b. Fifteen dollars (\$15.00) for each retail establishment where tobacco products are sold other than by vending machine, provided said tobacco products are kept for sale behind a counter not accessible to the general public, and are available for purchase only through an employee of said retail establishment, and further provided that said retail establishment has annual gross receipts of fifty thousand dollars (\$50,000.00) or less on all merchandise sold at said retail establishment.</p> <p>c. Twenty-five dollars (\$25.00) for each vending machine. A separate license shall be required for each vending machine through which tobacco products are sold. Licensees within the boundaries of a municipality shall receive a credit in the amount of any license fee imposed by the municipality on vending machines through which tobacco products are sold.</p>	<p>—1. The Department [St. Louis County Department of Health] shall have the authority to enforce Sections <u>602.300</u> and <u>602.362</u> to <u>602.368</u> in a manner that can reasonably be expected to reduce the extent to which tobacco products are sold or distributed to persons under the age of eighteen (18) years, and shall conduct a minimum of two (2) random, unannounced enforcement checks per year at locations where tobacco products are sold or distributed, some of which will be compliance checks involving minors. However, it shall be required that the Department perform compliance checks involving minors annually on no less than fifty (50) percent of all locations licensed by the Department to sell tobacco products. License fees collected pursuant to <u>Section 602.361</u> shall be used to offset the costs of enforcement by the Department. The Department shall submit to the County Council an annual report summarizing the results of its compliance inspections.</p> <p>- 2. Persons under the age of eighteen (18) years may be enlisted to test compliance with Sections <u>602.300</u> and <u>602.362</u> to <u>602.368</u>; provided, however, that such persons may be used to test compliance only if written parental consent is on file with the Department, and only under the auspices and supervision of the Department.</p> <p>- 3. Private organizations may involve themselves in enforcement activities through the Department. Any activities to test compliance with the provisions of this chapter shall be under the supervision or auspices of the Department.</p>	<p>A license for the sale of tobacco products shall be valid for a term to expire with the thirtieth day of June next succeeding the date of such license. Application for renewal of licenses for the sale of tobacco products must be filed on or before the first day of May of each calendar year.</p>

**Jefferson City, MO**

License Fee	Enforcement	Timeline
<p>Every wholesale dealer, jobber, retail dealer, manufacturer or other person engaged in selling cigarettes or offering, delivering or displaying the same for sale within the city shall procure an annual license therefor for each place of business that he desires to have for the sale or distribution of cigarettes and, at the time such license is issued, shall pay to the finance department the sum of ten dollars (\$10.00) for each place of business; provided, that every wholesale dealer, jobber, retail dealer or manufacturer, who has a place of business licensed under any provision of this Code or other license ordinance of the city shall not be required to pay the registration fee herein provided for, for any such place of business so licensed.</p> <p>Sec. 17-45. Occupational license tax: Imposed. In addition to the license provided for in section 17 -44, every wholesale dealer or jobber, retail dealer, manufacturer or other person engaged in selling cigarettes shall pay an occupational license tax at a rate of two dollars (\$2.00) per one thousand (1,000) cigarettes for all cigarettes sold, offered, delivered or displayed for sale. This shall be paid, but once.</p>	<p>-----</p>	<p>-----</p>

**Kansas City, MO**

License Fee	Enforcement	Timeline
<p><i>License; registration fee.</i> Every wholesale dealer, jobber, retail dealer, manufacturer or other person engaged in selling cigarettes or offering, delivering or displaying cigarettes for sale within the city shall procure a license therefor for each place selling or offering cigarettes for sale, and at the same time such license is issued shall pay to the manager of regulated industries a registration fee of \$1.00 for each such place of business.</p> <p>(b) <i>Occupation license tax.</i> In addition to the registration fee, every retailer shall pay an occupation license tax at the rate of \$5.00 per 1,000 for all cigarettes sold, offered for sale, delivered, displayed for sale, or otherwise disposed of, and for all cigarettes in his possession.</p> <p>(c) <i>Use of additional revenues.</i> The additional revenues realized by the passage of this section shall be designated for use in hazardous material and emergency response activities of the city.</p>	<p>In enforcing the provisions of this chapter the manager of regulated industries shall be authorized to do any of the following:</p> <p>(a) To perform investigations to determine that the licensee is complying with the requirements of this chapter, and is not engaging in sales of tobacco products, rolling papers, alternative nicotine products or vapor products to minors or other illegal activities on the licensed premises;</p> <p>(b) To inspect, at any reasonable time, the licensed premises, including all portions of the building thereof used in connection with the operations carried on under the cigarette license and which are in the possession and control of the licensee, and all places where the licensee may keep or store cigarettes, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards and attics;</p> <p>(c) To seize any and all objects, which may appear to be in violation of any provision of this chapter and to hold such objects in custody as evidence until any matter pertaining thereto is finally adjudicated;</p> <p>(d) To testify and present evidence in hearings concerning the suspension or revocation of a cigarette license issued under this chapter;</p> <p>(e) To conduct informal dispositions of contested cases by stipulation, consent order or default, or by agreed settlement.</p>	<p>All licenses shall expire on December 31 in each and every year, unless sooner suspended, surrendered or revoked for cause by the manager of regulated industries.</p>

	Who enforces it?	How is it enforced?	License fee	Penalty	Problems encountered	Education provided?
Jefferson City	Finance Office	Finance department enforces it if the business doesn't remit a payment. The code states they must have a \$10 license UNLESS they are already licensed with the city for another reason (Retail license).	\$10 (send to general revenue)	If they fail to pay cigarette taxes, the finance department will send out police officers with revocation notice. (Currently no one has a tobacco license).	None.	No.
St. Louis County	Health Dept	Environmental health unit gives citations. They do inspections for every retailer once per year by taking a student to purchase tobacco; if the store sells they get a citation.	Most \$125, and \$25 for vending (sent to health department for regulatory staff and community training)	There is a two month grace period to pay citation. If the citation is not paid, the business is summoned to court (\$125 for first offense, \$250 for the second). After 3 offenses the business loses its license for one year. Health Department Administrators will work with the business if it's something outside of their control. The business must provide evidence that it is doing training with staff. Penalties given to both the business and the person.	None.	Yes.
Kansas City	Regulated Industries	Regulated Industries sends minors out regularly, (cover around 250 per year)	\$1 (goes to regulatory industries department)	First time offenders meet with Regulated Industries Administration for education and pay \$50. Regulated Industries goes back out one week to six months later with another minor for a follow-up inspection. If the business sells to a minor for the second time, there is a \$500 fee or 3 day suspension. After 6 violations, license is revoked.	None	Yes.



## St. Louis County

### 602.360 - Definitions.

—The following specific definitions apply to Sections 602.300 through 607.370:

1. *Tobacco or tobacco products* means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;
2. *Vending machine* means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products;
3. *Department* shall mean the St. Louis County Department of Health;
4. *Proof of age* means a driver's license or other documentary or written evidence that the individual is eighteen (18) years of age or older;
5. *Samples* means a tobacco product distributed to members of the general public at no charge for purposes of promoting the product;
6. *Sampling* means the distribution of samples to members of the general public in a public place;
7. *Day care center* shall include the entirety of any house or other building in any part of which care is provided for any part of the twenty-four-hour day for five (5) or more children who do not live on the premises, including but not limited to all day care homes licensed under Chapter 819 of this Code, as amended;
8. *School building* shall include the entirety of any building in any part of which student education or school-sponsored student recreation, assembly or activity takes place.

(O. No. 17981, 4-4-96)

### 602.361 - License Required.

—1. No person shall sell tobacco products unless the person is authorized to do so by a license issued by the Department, or is an employee or agent of a person who has been issued a license by the Department. For the purposes of this section, the person deemed to sell tobacco products through a vending machine shall be the owner of the business establishment in which the vending machine is located. The prohibition of this subsection shall not apply to a manufacturer of tobacco products or a wholesaler of tobacco products.

2. The annual license fee for the retail sale of tobacco products is as follows:

- a. One hundred twenty-five dollars (\$125.00) for each retail establishment where tobacco products are sold other than by vending machine. A separate license shall be required for each such retail establishment;

b. Fifteen dollars (\$15.00) for each retail establishment where tobacco products are sold other than by vending machine, provided said tobacco products are kept for sale behind a counter not accessible to the general public, and are available for purchase only through an employee of said retail establishment, and further provided that said retail establishment has annual gross receipts of fifty thousand dollars (\$50,000.00) or less on all merchandise sold at said retail establishment.

c. Twenty-five dollars (\$25.00) for each vending machine. A separate license shall be required for each vending machine through which tobacco products are sold. Licensees within the boundaries of a municipality shall receive a credit in the amount of any license fee imposed by the municipality on vending machines through which tobacco products are sold.

3. A license for the sale of tobacco products shall be valid for a term to expire with the thirtieth day of June next succeeding the date of such license. Application for renewal of licenses for the sale of tobacco products must be filed on or before the first day of May of each calendar year.

4. Every application for a license under this section shall be made in writing upon a form provided by the Department, and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business or vending machine for which the license is to be issued, and any other identifying information that the Department of Health may require. Nothing in this section precludes the owner of a vending machine from obtaining and completing the retail license application for the owner of the business establishment in which the vending machine is to be located. However, in such a case, the owner of the business establishment in which the vending machine is to be located is the retail licensee, and must sign the application and is subject to all obligations, requirements, penalties and conditions of said licensees imposed by this chapter.

5. Every license for sale of tobacco products issued by the Department shall be renewed upon application except as otherwise provided in this section. Upon notification of a change of address if required by the Department, a license shall be reissued for the new address without the filing of a new application.

6. The Department shall issue a license or renewal of a license within thirty (30) days of receiving a properly completed application and the applicable license fee. A license or renewal thereof shall not be withheld or denied except pursuant to Section 602.362; provided, however, that no license shall be issued for the sale of tobacco products through a vending machine unless the applicant certifies compliance with the restrictions set forth in Section 602.364 with respect to the machine for which the license is requested. No terms or conditions shall be imposed for the issuance, maintenance, or renewal of a license except as specified in this section.

(O. No. 17981, 4-4-96)

#### **602.362 - Suspension and Revocation of Licenses—Hearing Required.**

1. The Director or his designee shall have the power to suspend or revoke any license issued pursuant to this code for the reasons set forth herein.

2. No license shall be suspended or revoked until the licensee has been afforded an opportunity for a hearing before the Director or his designee after notice of at least ten (10) days.

3. Notice shall be served either personally or by first class mail, postage pre-paid, to the licensee's address of record and shall state the date, time, and place of hearing and set forth the charges against the licensee.

4. A licensee shall have the opportunity to present evidence and/or witnesses before the Director in person or by counsel. A record of the hearing shall be made. The Director shall issue a decision in writing, denying or compelling suspension or revocation within ten (10) days of the conclusion of the hearing.

5. A license issued under Section 602.361 for a particular place of business or vending machine shall be suspended or revoked, and not renewed, for a period of:

a. Seven (7) business days upon a determination by the Director that there has been a second violation of either Section 602.300-1 or Sections 602.362 to 602.366 involving the same place of business or vending machine location within two (2) years; or

b. Thirty (30) business days upon a determination by the Director that there has been a third violation of either Section 602.300-1 or Sections 602.362 to 602.366 involving the same place of business or vending machine location within two (2) years; or

c. One hundred twenty (120) days upon a determination by the Director that there has been a fourth violation of either Section 602.300-1 or Sections 602.362 to 602.366 involving the same place of business or vending machine location within two (2) years.

d. Revocation upon a determination by the Director that there has been a fifth violation of either Section 602.300-1 or Sections 602.362 to 602.366 involving the same place of business or vending machine location within two (2) years.

6. No more than one violation shall be attributed per day to a license holder for purposes of subsection 5 of this section. A violation committed by an employee or agent, and attributed to a license holder, shall be counted only once for purposes of subsection 5 of this section.

(O. No. 17981, 4-4-96)

#### **602.363 - Proof of age.**

—A person selling or distributing tobacco products shall require proof of age from any prospective purchaser or recipient unless such person has reasonable and certain knowledge that the prospective purchaser or recipient is eighteen (18) years of age or older.

(O. No. 17981, 4-4-96)

#### **602.364 - Sales through Vending Machines.**

—No person shall sell tobacco products in St. Louis County through a vending machine unless the vending machine is located:

1. In areas of factories, businesses, offices or other places that are not open to the public;
2. In places that are open to the public but to which persons under the age of eighteen (18) years are denied access;
3. In other places, but only if the machine:
  - a. Is under the continuous active supervision of the owner or lessee of the premises or an employee thereof; or
  - b. Can be operated only by the activation of an electronic switch by the owner or lessee of the premises or an employee thereof prior to such purchase; and
  - c. Is inaccessible to the public when the establishment is closed.
4. In any place where continuous active supervision of a vending machine, or activation of an electronic switch, is required by subsection 3 of this section, the person responsible for that supervision or the activation of the switch shall demand proof of age from a prospective purchaser unless such person has reasonable and certain knowledge to believe that the prospective purchaser is eighteen (18) years of age or older.

(O. No. 17981, 4-4-96)

#### **602.366 - Joint Responsibility; Vicarious Responsibility.**

- 1. If a sale is made in violation of this chapter by any employee of the owner of a retail establishment at which tobacco products are sold, both the employee and the owner shall be guilty of the violation and be subject to the fine. If the sale is made through a vending machine, the owner of the establishment where the machine is located shall be guilty of the violation and be subject to the fine; provided, however, that if the proprietor has made an employee responsible for supervising the machine, such employee shall also be guilty of the violation and be subject to the fine.
2. Except as otherwise provided herein, every act or omission of whatsoever nature, constituting a violation of any of the provisions of this chapter by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.
3. A person who holds a license issued under Section 602.361 shall not be subject to the seven-day suspension provided under subsection 5(a) of Section 602.362 for a violation committed by an employee or agent if the license holder affirmatively demonstrates that the license holder has in place a system of ongoing education and training, internal compliance checks and disciplinary actions reasonably designed to prevent such violations.



(O. No. 17981, 4-4-96)

**602.367 - Free Distribution of Tobacco Products Restricted.**

- 1. It shall be unlawful for any person to distribute tobacco products samples in or on any public street, sidewalk or park that is within five hundred (500) feet of any playground, school or other facility when the facility is being used primarily by persons under the age of eighteen (18) years.
2. A person engaged in sampling shall demand proof of age from a prospective recipient if such person has reason to believe that the prospective recipient is under the age of eighteen (18) years.
3. It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promotion or advertising tobacco products, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver tobacco products free of charge to any person on any public right-of-way, park, playground or other property owned by St. Louis County.

(O. No. 17981, 4-4-96)

**602.368 - Sale of Single Cigarettes Prohibited.**

- No person shall sell cigarettes individually.

(O. No. 18000, 4-29-96)

- **602.369 - Enforcement.**

- 1. The Department shall have the authority to enforce Sections 602.300 and 602.362 to 602.368 in a manner that can reasonably be expected to reduce the extent to which tobacco products are sold or distributed to persons under the age of eighteen (18) years, and shall conduct a minimum of two (2) random, unannounced enforcement checks per year at locations where tobacco products are sold or distributed, some of which will be compliance checks involving minors. However, it shall be required that the Department perform compliance checks involving minors annually on no less than fifty (50) percent of all locations licensed by the Department to sell tobacco products. License fees collected pursuant to Section 602.361 shall be used to offset the costs of enforcement by the Department. The Department shall submit to the County Council an annual report summarizing the results of its compliance inspections.
2. Persons under the age of eighteen (18) years may be enlisted to test compliance with Sections 602.300 and 602.362 to 602.368; provided, however, that such persons may be used to test compliance only if written parental consent is on file with the Department, and only under the auspices and supervision of the Department.
3. Private organizations may involve themselves in enforcement activities through the Department. Any activities to test compliance with the provisions of this chapter shall be under the supervision or auspices of the Department.

(O. No. 17981, 4-4-96)

**602.370 - Penalties.**

- 1. Except as otherwise provided in this section, every person who shall be convicted of any violation of Section 602.300, 602.320, 602.330 or 602.368 shall be fined not more than one hundred fifty dollars (\$150.00) for the first ~~such~~ conviction; not more than two hundred fifty dollars (\$250.00) for the second such conviction; and five hundred dollars (\$500.00) for any subsequent conviction.
2. As a condition of probation, every person who shall be convicted of any violation of Section 602.300-2 may be required to attend a smoking awareness or other tobacco education program as may be approved by the Department.
3. Every person who shall be convicted of any violation of Section 602.310 shall be fined not more than two hundred fifty dollars (\$250.00).
4. Any licensed holder, employee or agent that violates any provision of Section 602.300-1 or Sections 602.362 through 602.367 shall be subject to:
  - a. A fine of not less than two hundred fifty dollars (\$250.00) for the first violation within a two-year period;
  - b. A fine of not less than five hundred dollars (\$500.00) for the second violation within a two-year period;
  - c. A fine of not less than seven hundred fifty dollars (\$750.00) for the third violation within a two-year period;
  - d. A fine of one thousand dollars (\$1,000.00) for any additional violation within a two-year period.
5. Any person who violates section 602.361-1 shall be subject to a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00).
6. Any person who violates the provisions of Section 602.367 shall be subject to a fine of not less than two hundred fifty dollars (\$250.00). If the tobacco product is distributed by an employee engaged in the business of sampling, the employer shall be guilty of the violation and shall be subject to the fine.
7. A court shall notify the director of the Department of any fine imposed for violations of Sections 602.362 to 602.366.
8. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for a second or subsequent violation under this section, each individual franchise or business location shall be deemed a separate entity.

(O. No. 17981, 4-4-96)

**602.371 - Administrative Citations for Violations.**

—1. Any person employed by St. Louis County and designated by the Director to enforce provisions of this chapter may, when having probable cause to believe that a person is in violation of any of the provisions of Sections 602.300 through 602.370, issue a citation for the violation and shall assess the maximum fine provided by Section 602.370. The citation shall be in substantially the following form:

STATE OF MISSOURI	)
	)
COUNTY OF ST. LOUIS	)

ST. LOUIS COUNTY, Complainant, vs.

\_\_\_\_\_  
(Name)

Height \_\_\_\_\_ Weight \_\_\_\_\_ Sex \_\_\_\_\_  
Race \_\_\_\_\_ DOB \_\_\_\_\_

\_\_\_\_\_  
(Address)

The undersigned complains and states that the violator is a person who committed the following offense in violation of Section \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ SLCRO 1974 as amended:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

which violation occurred on or about \_\_\_\_\_ a.m./p.m., \_\_\_\_\_, 19\_\_\_\_\_, at or near \_\_\_\_\_.

\_\_\_\_\_  
(Employee)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

The Director of Health of St. Louis County to the above-named violator:

You are to appear at the St. Louis County Department of Health at 111 South Meramec in Clayton, Missouri, on or before \_\_\_\_\_, 19\_\_\_\_\_, between the hours of 8:00 A.M. and 5:00 P.M. either to pay a fine for this violation or to state that you are not guilty. If you fail to appear, a report of this violation will be referred to the County Counselor for the institution of legal proceedings against you without further notice.

The fine provided for this violation by Section 602.371 SLCRO 1974 as amended, is \_\_\_\_\_.

Without admitting guilt, I hereby acknowledge receipt of this notice.

\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

(Signature)

(Date)

2. The Director shall have the authority to reduce or waive a portion of the maximum fine assessed if he deems it appropriate to do so.

3. The Director shall refer to the County Counselor for prosecution any matter wherein a person issued a citation under this section fails to appear and pay the fine in a timely manner, or said person appears and enters a plea of not guilty.

(O. No. 18012, 5-3-96)

## Kansas City

### Sec. 20-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alternative nicotine product* means any non-combustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

*Cigarettes* means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

*Occupation license tax* means the tax imposed by the city under this chapter upon the business and for the privilege of selling cigarettes at retail in the city.

*Package* means a quantity of cigarettes wrapped and sealed in paper, tinfoil or otherwise by the manufacturer of cigarettes prior to being placed in cartons for shipment from the manufacturer.

*Retail dealer* means any person other than a wholesale dealer, jobber or manufacturer engaged in the business of selling or disposing of cigarettes, by personal handling or through a vending machine, to the ultimate consumer or agent.

*Sale* means any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration or any agreement therefor.

*Stamp.* A stamp shall not only include a small piece of paper with such printing thereon as may be prescribed by the manager of regulated industries, which, when affixed to a package of cigarettes and cancelled, shall evidence payment of the occupation tax thereon, but shall also include the impression or printing of a meter machine when used in lieu of a stamp.

*Tobacco product* means any substance containing tobacco leaf including but not limited to blunt wraps, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

*Vapor product* means any non-combustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form that may or may not contain nicotine. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic

pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product.

*Vending machine* means a mechanical device used for the sale and dispensing of cigarettes and automatically operated by the purchaser through the deposit of coins, slugs or tokens.

*Wholesale dealer* means any person authorized to sell, distribute, deliver, convey or give away cigarettes to retail dealers or other persons in the city, for the purpose of resale only.

(Code of Gen. Ords. 1967, § 11.1; Ord. No. 150505, § 1, 7-16-15; Ord. No. 150962, § 1, 11-19-15)

**Sec. 20-2. - License required for dealers and manufacturers; registration fee; amount of tax.**

(a) *License; registration fee.* Every wholesale dealer, jobber, retail dealer, manufacturer or other person engaged in selling cigarettes or offering, delivering or displaying cigarettes for sale within the city shall procure a license therefor for each place selling or offering cigarettes for sale, and at the same time such license is issued shall pay to the manager of regulated industries a registration fee of \$1.00 for each such place of business.

(b) *Occupation license tax.* In addition to the registration fee, every retailer shall pay an occupation license tax at the rate of \$5.00 per 1,000 for all cigarettes sold, offered for sale, delivered, displayed for sale, or otherwise disposed of, and for all cigarettes in his possession.

(c) *Use of additional revenues.* The additional revenues realized by the passage of this section shall be designated for use in hazardous material and emergency response activities of the city.

(Code of Gen. Ords. 1967, § 11.2; Ord. No. 35816, 9-9-68; Ord. No. 64487, 8-31-89; Ord. No. 150505, § 1, 7-16-15)

**Sec. 20-8. - Issuance of license; restrictions on license; suspension or revocation of license.**

(a) *Application; issuance.* Every application for a cigarette license shall be made upon a form prescribed, prepared and furnished by the manager of regulated industries, and shall set forth such information as he shall require. Upon approval of the application, the manager of regulated industries shall grant and issue to the applicant a cigarette license as provided in this chapter.

(b) *Transfer; display; term.* Cigarette licenses shall not be assignable and shall be valid only for the persons in whose names issued, and for the transaction of business in the places designated therein, and shall at all times be conspicuously displayed at the places for which issued. All licenses shall expire on December 31 in each and every year, unless sooner suspended, surrendered or revoked for cause by the manager of regulated industries.

(c) *Duplicates.* Whenever any license issued under the provisions of this section is defaced, destroyed or lost, the manager of regulated industries shall issue a duplicate license for the defaced, destroyed or lost license upon the payment of a fee of \$1.00.

(d) *Suspension or revocation.* The manager of regulated industries shall have the authority to suspend for a period not to exceed 90 days, or to revoke a cigarette license whenever the manager finds that the holder of the license or his employee:

(1) Has failed to comply with any of the provisions of this chapter or any rules or regulations of the manager of regulated industries prescribed or promulgated under this chapter;

(2) Has been convicted of an ordinance violation for violating any of the provisions of sections 20-2, 20-3, and 20-6 to 20-13 inclusive of this chapter;

(3) Has sold or distributed tobacco products or rolling papers on the licensed premises to any person under the age of 21 in violation of law;

(4) Has permitted or allowed any person under the age of 21 to purchase or obtain tobacco products from vending machines located on the licensed premises, in violation of law;

(5) Has sold, distributed or displayed drug paraphernalia on the licensed premises in violation of law;

(6) Has sold, distributed, delivered, manufactured, produced or possessed a controlled substance or controlled substance analogue in violation of state law on the licensed premises;

(7) Has possessed an imitation controlled substance in violation of state law on the licensed premises. Upon suspending or revoking any cigarette license, the manager of regulated industries shall request the holder thereof to surrender to him immediately all license cards or tokens, or duplicates thereof, and the holder shall surrender promptly all such license cards or tokens to the manager of regulated industries as requested, together with all stamps, if any, in his possession which he has not affixed to packages of cigarettes, and the manager of regulated industries is hereby authorized to refund all money paid for such stamps.

(e) *Notice; hearing.* Before suspending or revoking any cigarette license, the manager of regulated industries shall send notice in writing at least ten days before the proposed suspension or revocation date by certified mail to the license holder's last known address. If the license holder disputes the proposed suspension or revocation, he shall submit a written request for hearing to the manager of regulated industries, which request must be received before the proposed suspension or revocation date. If the license holder fails to make a timely request for a hearing or fails to appear for a requested hearing, the license shall be suspended or revoked. Upon receipt of a timely request for hearing, the manager of regulated industries shall stay the suspension or revocation pending the hearing, and shall hold a hearing without unnecessary delay. The manager of regulated industries shall make a record of the hearing and shall notify the license holder in writing of the decision.

(f) *Judicial review.* Pursuant to RSMo ch. 536, the license holder may seek judicial review of a decision by the manager of regulated industries to suspend or revoke the cigarette license.

(g) *Informal disposition.* Nothing contained in this section or in this chapter shall preclude the informal disposition of contested cases by stipulation, consent order or default, or by agreed settlement.

(Code of Gen. Ords. 1967, § 11.8; Ord. No. 130056, § 1, 1-31-13; Ord. No. 150505, § 3, 7-16-15; Ord. No. 150962, § 1, 11-19-15)

#### **Sec. 20-18. - Penalty for violation of chapter.**

Any person found guilty of violating any of the provisions of sections 20-2, 20-3, 20-6 through 20-11, and 20-13, inclusive, shall be punished by imprisonment not to exceed 180 days or by a fine of not less than \$100.00 nor more than \$1,000.00, or by both such imprisonment and fine. Pursuant to section 20-8 of this chapter, the manager of regulated industries may also suspend for a period not to exceed 90 days or revoke the permit or license of any such person convicted of such an ordinance violation.

(Code of Gen. Ords. 1967, § 11.18; Ord. No. 35433, 6-21-68; Ord. No. 130056, § 2, 1-31-13; Ord. No. 150505, § 5, 7-16-15)

#### **Sec. 20-19. - Manager of regulated industries to enforce compliance.**

In enforcing the provisions of this chapter the manager of regulated industries shall be authorized to do any of the following:

- (a) To perform investigations to determine that the licensee is complying with the requirements of this chapter, and is not engaging in sales of tobacco products, rolling papers, alternative nicotine products or vapor products to minors or other illegal activities on the licensed premises;
- (b) To inspect, at any reasonable time, the licensed premises, including all portions of the building thereof used in connection with the operations carried on under the cigarette license and which are in the possession and control of the licensee, and all places where the licensee may keep or store cigarettes, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards and attics;
- (c) To seize any and all objects, which may appear to be in violation of any provision of this chapter and to hold such objects in custody as evidence until any matter pertaining thereto is finally adjudicated;
- (d) To testify and present evidence in hearings concerning the suspension or revocation of a cigarette license issued under this chapter;
- (e) To conduct informal dispositions of contested cases by stipulation, consent order or default, or by agreed settlement.

(Ord. No. 130056, § 3, 1-31-13; Ord. No. 150505, § 5, 7-16-15)



## Jefferson City

### **Sec. 17-43. Definitions.**

For the purposes of this article, the following words or phrases shall have the meanings respectively ascribed to them by this section:

**Cigarette.** Any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or materials except tobacco.

**Occupational license tax.** The tax imposed by the city under this article upon the business and for the privilege of selling cigarettes at retail in the city.

**Package.** A quantity of cigarettes wrapped or sealed in paper, tinfoil or otherwise by the manufacturer of the cigarettes prior to being placed in cartons and shipment from the manufacturer.

**Retail dealer.** Any person, other than a wholesale dealer, jobber or manufacturer, engaged in the business of selling cigarettes, by personal handling or through a vending machine, to the ultimate consumer or agent.

**Retailer.** Includes persons other than a dealer or wholesaler as defined in this section, who is engaged in the business of selling cigarettes at retail, who shall sell or offer for sale cigarettes, irrespective of quantity, number of sales, giving the same away or exposing the same where it may be taken, or purchased, or otherwise acquired.

**Sale.** Any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor.

**Stamp.** A small piece of paper with such printing thereon as may be prescribed by the finance department which, when affixed to a package of cigarettes, shall evidence payment of the occupational tax thereon, or the impression or printing of a meter machine when used in lieu of a stamp.

**Wholesale dealer or jobber.** Any person who shall sell, distribute, deliver, convey or give away cigarettes to retail dealers or other persons in the city for the purpose of resale only.

Code 1977, § 22-26; Ord. No. 14783, §2, 4-18-2011)

### **Sec. 17-44. License required.**

Every wholesale dealer, jobber, retail dealer, manufacturer or other person engaged in selling cigarettes or offering, delivering or displaying the same for sale within the city shall procure an annual license therefor for each place of business that he desires to have for the sale or distribution of cigarettes and, at the time such license is issued, shall pay to the finance department the sum of ten dollars (\$10.00) for each place of business; provided, that every wholesale dealer, jobber, retail dealer or manufacturer,

who has a place of business licensed under any provision of this Code or other license ordinance of the city shall not be required to pay the registration fee herein provided for, for any such place of business so licensed. Code 1977, § 22-27)

**Sec. 17-45. Occupational license tax: Imposed.**

In addition to the license provided for in section 17 -44, every wholesale dealer or jobber, retail dealer, manufacturer or other person engaged in selling cigarettes shall pay an occupational license tax at a rate of two dollars (\$2.00) per one thousand (1,000) cigarettes for all cigarettes sold, offered, delivered or displayed for sale. This shall be paid, but once.

**Sec. 17-46. Monthly payment.**

It shall be the duty of every retail dealer or wholesaler, as defined in section 17 -43, selling, offering or displaying for sale any package of cigarettes, to remit the monthly cigarette tax reporting form and full payment by the 15th day of each following month. The cancelled check, accompanied by the monthly cigarette tax reporting form, shall be proof of payment.

**Sec. 17-47. Rules and regulations--Records.**

For the purpose of enabling the City to enforce the terms of this Article, the following provisions are enacted:

A. Each retail dealer in the city and those wholesalers and retailers as defined in section 17 -43 shall procure and retain invoices showing the amount and value of the shipment of cigarettes received, the date thereof, and the name of the shipper, and shall retain this invoice for a period of three years subject to the use and inspection of the City.

B. All dealers, wholesalers and retailers as defined in section 17-43 within the City shall maintain and keep for a period of three years such other records of cigarettes received, sold or delivered within the city as may be required by the finance director.

C. The finance director or his or her duly authorized representatives, are authorized to examine the books, papers, invoices and other records, stock of cigarettes in and upon any premises where they are placed, stored or sold, and equipment of any such dealer, wholesaler, or retailer pertaining to the sale and delivery of cigarettes taxable under this Article.

D. To verify the accuracy of the occupation tax imposed and assessed by this Article, each person, as defined in section 17-43, is directed and required to give to the finance director or his or her duly authorized representatives, the means, facilities and opportunity for such examinations as are herein provided for and required.

E. In addition to the powers herein granted to the finance director, he is authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to the delegation

of his or her powers to a deputy or other employee of his or her office and any other matter or thing pertaining to the administration and enforcement of the provisions of this Article.

F. Cigarette tax reporting information received from the state of Missouri shall be held in confidence and used solely for verifying cigarette tax payments.

**Sec. 17-48. Refunds.**

The finance director is authorized to adopt, prescribe and promulgate rules and regulations including a monthly cigarette tax reporting form with regard to the presentation and proof of claim for refunds and credits as he may deem advisable.

**Sec. 17-49. Oaths and subpoenas.**

The finance director or his or her employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceedings in the exercise of their powers and duties under this Article. The finance director shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the enforcement of this Article and to examine them in relation thereto.

**Sec. 17-50. Penalty for violation.**

Any person violating this Article by failing to file the report and make the payment provided for in section 17-46 hereof shall be punished by a fine of not more than five hundred dollars or imprisoned for not more than ninety (90) days or be punished by both such fine and imprisonment. Failure to file each monthly report and make each monthly payment shall be deemed a separate offense. Sec. 17-51. Dealers outside City. Any dealer whose place of business is outside the corporate limits of the city shall be bound by all of the provisions of this Article.

**Sec. 17-52. Alternative payment method; stamps.**

The tax provided for in section 17-45 may be paid to the finance department upon purchase of stamps of such design and denomination as may be prescribed by the finance director or before printing evidence of the payment of the tax on any package of cigarettes by use of a meter machine. In selling such stamps, the finance department shall allow a discount of five (5) percent of the denominational or face value thereof to cover the cost of labor in affixing the stamp. It shall be the duty of every wholesale dealer or jobber, before delivering to any retailer or other person in the city cigarettes for sale in the city, to affix to each package of cigarettes a stamp purchased from and furnished by the finance department, which shall evidence the payment of the tax imposed by section 17-45. The finance director may require the use of stamps for enforcement purposes. Code 1977, § 22-29)

**Sec. 17-53. Refund where stamps already affixed.**

Whenever any cigarettes, upon which stamps have been placed or evidence of payment marked by machine by a wholesale dealer or jobber, have been sold and shipped by him into another city or state

for sale or use there, or have become unfit for use or consumption or have become unsalable, or have been destroyed, such wholesale dealer or jobber shall be entitled to a refund of the actual amount of tax paid by him on such cigarettes upon the presentation and proof of a claim for refund as required by rules and regulations promulgated pursuant to sections 17-47 and 17-48. Code 1977, § 22-30)

**Sec. 17-54. Reserved.**

Code 1977, § 22-31; Ord. No. 12556, § 1, 12-2-96; Ord. No. 14783, §3, 4-18-2011)